

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MARK STANALAJCZO, DDS,

Plaintiff,

Case No. 23-cv-11527

Hon. Matthew F. Leitman

v

BRANDONN PERRY, et al.,

Defendants.

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ORDER CONCERNING DEFENDANTS' PRIVILEGE DESIGNATIONS

In this action, Defendants have asserted that certain documents are covered by the attorney-client privilege and/or the work-product privilege. Defendants have identified those documents on an Amended Privilege Log and have withheld those documents from discovery productions. Plaintiff has raised a challenge to Defendants' assertions of privilege, and the parties have jointly asked the Court to review the allegedly-privileged documents in camera in order to determine whether to sustain the assertions of privilege. The Court has conducted the in camera review. The Court's rulings on the privilege designations are reflected in the "Ruling" column of the Amended Privilege Log reproduced below.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 21, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 21, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126

COURT'S RULING WITH RESPECT TO DEFENDANTS' AMENDED PRIVILEGE LOG

DOCUMENT DATE	TYPE	AUTHOR	RECIPIENT	PRIVILEGE ASSERTED BY DEFENDANTS	DEFENDANTS' DESCRIPTION	Ruling
10/20/22	Email	Christiane Squarize	Jacques Nor cc: Jan Hu Lynn Johnson	Attorney-Client Privilege	Email discusses attached email from Gloria Hage to Christiane Squarize, cc: Lynn Johnson, Kimberly Andrus and Sascha Matish, and email from Christiane Squarize to Gloria Hage providing legal advice.	The assertion of privilege is SUSTAINED.
08/22/22	Email	Chain of emails between Lynn Johnson and Gloria Hage	Copies to Kimberly Andrus, Jan Hu, Sascha Matish, Jacques Nor	Attorney-Client Privilege	Provision of legal advice.	The assertion of privilege is SUSTAINED.
09/26/22	Email	Chain of emails among Lynn Johnson, Gloria Hage and Jan Hu	Copies to Kimberly Andrus, Christiane Squarize and Jacques Nor	Attorney-Client Privilege	Provision of legal advice.	The assertion of privilege is SUSTAINED.

DOCUMENT DATE	TYPE	AUTHOR	RECIPIENT	PRIVILEGE ASSERTED BY DEFENDANTS	DEFENDANTS' DESCRIPTION	Ruling
11/01/22	Email	Chain of emails among Lynn Johnson, Jacques Nor, Christiane Squarize, Jan Hu and Gloria Hage	Copy to Kimberly Andrus	Attorney-Client Privilege	Provision of legal advice.	The assertion of privilege is SUSTAINED.
08/05/22	Email	Lynn Johnson	Jan Hu, Jacques Nor, Romesh Nalliah cc: Christiane Squarize	Attorney-Client Privilege	Discussing legal advice from Gloria Hage.	The assertion of privilege is OVERRULED with the exception of the third paragraph of the first page of the document the begins with the name "Dubuc" and ends with the term "OGC." That paragraph may be redacted from the production.
09/27/22 <i>This email was produced in redacted form on 01/11/24, bates-stamped #00702</i>	Email	Lynn Johnson	Erika Roberts cc: Jan Hu, Jacques Nor, Christiane Squarize	Attorney-Client Privilege	Discussion of legal advice from Office of General Counsel regarding October Executive Committee meeting.	The assertion of privilege is SUSTAINED. The production of this email in redacted form is sufficient.

DOCUMENT DATE	TYPE	AUTHOR	RECIPIENT	PRIVILEGE ASSERTED BY DEFENDANTS	DEFENDANTS' DESCRIPTION	Ruling
07/18/22	Email	Lynn Johnson	Jacques Nor, Jan Hu	Attorney-Client Privilege	Paragraphs have been redacted because they reflect legal advice from Office of General Counsel. Bates-stamped #00277 through #00283.	The assertion of privilege is SUSTAINED. The production of these emails in redacted form is sufficient.
07/18/22	Email	Ashley Stojkovic, on behalf of Patty Petrowski	Several Recipients	Attorney-Client Privilege and Work-Product Privilege	Discussing legal advice regarding litigation hold and identification of potential witnesses.	Defendants shall submit a memorandum of law explaining why this litigation hold memo falls under Attorney-Client Privilege and Work-Product Privilege. See <i>Bagley v. Yale University</i> , 318 F.R.D. 234 (D. Conn. 2016) and <i>United Illuminating Co. v. Whiting-Turner Contracting Co. et al.</i> , 2020 WL 8611045 (Oct. 30, D. Conn. 2020).

DOCUMENT DATE	TYPE	AUTHOR	RECIPIENT	PRIVILEGE ASSERTED BY DEFENDANTS	DEFENDANTS' DESCRIPTION	Ruling
07/04/23	Email	Brandonn Perry	Mary Jo Gray	Attorney-Client Privilege	Paragraphs have been redacted from bates-stamped documents #00767 through #00771. Paragraphs have been redacted because they contain communications from the Office of General Counsel.	Defendants have not provided unredacted copy and shall submit such a copy to the Court for further review.
01/24/24	Letter	Jeffrey S. Chatas Letter re Indemnification	Brandonn Perry and other recipient defendants	Attorney-Client Privilege	The letter contains privileged information. The defendants have provided a copy of the SPG and a copy of the relevant insurance language. #00868 thru #00881	The assertion of privilege is OVERRULED. The document shall be produced.